



October 22, 2019

The Honorable Roger Wicker, Chairman
The Honorable Maria Cantwell, Ranking Member
U.S. Senate Committee on Commerce, Science, and Transportation
512 Dirksen Senate Building
Washington, D.C. 20510

Dear Chairman Wicker and Ranking Member Cantwell:

On behalf of National Taxpayers Union, I write to applaud the Committee for its attention to television marketplace policy ahead of the expiring Satellite Television Extension and Localism Act (STELAR), and to encourage the Committee to pursue legislation that reflects a rapidly changing landscape for consumers.

When Congress last reauthorized STELAR in December 2014, the television marketplace was very different than it is today. At the time, the “most significant entry in the OVD [online video distributor] space” had not yet occurred; that is, “MVPDs offering online video streaming services that do not require a subscription to an MVPD service.”¹ What started with DISH Network’s Sling has led to robust competition that includes Amazon, AT&T TV NOW, Hulu, YouTube TV, and more.² While STELAR, rooted in the Satellite Home Viewer Act that first passed in 1988,³ has been updated and adjusted during prior authorizations, it is clearly an inadequate and outdated legislative vehicle for broadcasters, distributors, content providers, and consumers.

It is time for a comprehensive re-evaluation of the laws and regulations that apply to the entire television marketplace. For instance, Congress should consider the deregulatory approach of H.R. 3994, the Modern Television Act. From repealing outdated regulations to limiting the impact of blackouts on consumers, the Modern Television Act demonstrates the commitment of both parties to reforming and updating outdated telecommunications laws. The legislation also preserves protections for consumers when it comes to local content, which we recognize is an important goal for the Committee. Certain provisions of the bill are cause for some concern, such as requiring binding arbitration for private entities, but on the whole the Modern Television Act is a strong start to ensuring Congress and the FCC take 21st-century approaches to a 21st-century market.

As Congress establishes an updated regulatory framework, we urge it to go further than simply allowing STELAR to expire. It should deregulate the television marketplace so that a multitude of broadcasters and providers can continue to offer innovative content and services to consumers across the country.

¹ Federal Communications Commission. (January 17, 2017). “Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming” (MB Docket No. 16-247). Retrieved from: <https://docs.fcc.gov/public/attachments/DA-17-71A1.pdf> (Accessed October 18, 2019.)

² *Ibid.*, 1.

³ Scherer, Dana A. “Cable and Satellite Television Issues in the 116th Congress.” Congressional Research Service, December 20, 2018. Retrieved from: <https://crsreports.congress.gov/product/pdf/IF/IF11053> (Accessed October 18, 2019.)

Above all, we encourage the Committee to resist efforts to add new regulations to STELAR, which would stifle new and innovative services for consumers. We also urge the Committee to avoid simply reauthorizing the 2014 STELAR legislation as is, without changes that reflect a 2020 market. Some of the most exciting new offerings for consumers have come about because of an environment free of burdensome rules. We believe policymakers should adapt outdated laws to this new reality.

Thank you for your consideration, and should you have any questions, I am at your service.

Sincerely,

Andrew Lautz
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